STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of JADE S. PATRICK, KAYLA J. PATRICK and JAMES A. RISNER, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

LAURIE LYNN RISNER,

Respondent-Appellant,

and

TROY RISNER,

Respondent.

UNPUBLISHED
May 22, 2001

No. 231198
Barry Circuit Court
Family Division
LC No. 00-005626-NA

Before: Collins, P.J., and Hoekstra and Gage, JJ.

PER CURIAM.

Respondent-appellant (hereinafter respondent), biological mother of the involved minor children, appeals as of right from a family court order terminating her parental rights pursuant to MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i). We affirm.

This Court reviews for clear error the family court's findings supporting an order terminating parental rights. MCR 5.974(I). Findings of fact are clearly erroneous when, although evidence exists to support them, this Court is left with the definite and firm conviction that a mistake has been made. *In re Conley*, 216 Mich App 41, 42; 549 NW2d 353 (1996).

The three children became temporary court wards because of respondent's physical neglect of them, stemming from respondent's substance abuse problems. The record demonstrates that respondent failed to make any effort whatsoever toward addressing any of the

parent-agency treatment plan's ten goals[1] until approximately four months after the family court's initial dispositional order, and five months after the children's removal, when she entered a rehabilitation program. Respondent did not, however, make steady progress through the rehabilitation program. Respondent left the program for at least ten days, without authorization, and on returning provided a drug screen positive for opiates and propoxyphene, never substantiating her claim that these positive results derived from hospital-prescribed medications. Respondent was required to recommence the program, and denied knowing with certainty when she would complete her rehabilitation.

In light of the record substantiating (i) respondent's very limited progress toward overcoming even the first treatment plan goal, conquering her substance abuse,[2] (ii) respondent's acknowledged uncertainty when she might be prepared to provide the children a nurturing, stable environment, and (iii) as the family court noted, the "tender years of these children," we cannot conclude that the family court clearly erred in finding clear and convincing evidence that "[t]he conditions that led to the adjudication continue to exist and there is no reasonable likelihood that the conditions will be rectified within a reasonable time considering the child[ren]'s age." MCL 712A.19b(3)(c)(i); MSA 27.3178(598.19b)(3)(c)(i).[3] See also *In re Dahms*, 187 Mich App 644, 647-648; 468 NW2d 315 (1991) (noting that a reasonable time for rectification of neglect should take into account the ages of the children and their unique needs resulting from the neglect).

---

[1] In the months before the instant judicial involvement, respondent substantially failed to cooperate with a Families First intervention program's attempts to help respondent address her substance abuse. A case worker summarized at the termination hearing respondent's failure to satisfy most of the parent-agency treatment plan's ten goals: (1) while respondent had undergone a substance abuse evaluation at her rehabilitation program and begun to address her substance abuse problem, positive drug screens as recent as September 14, 2000 indicated that respondent's problems persisted; (2) regarding three drug screens performed at Pennock Hospital, respondent tested negative twice and tested positive for Darvon once; regarding required previsit breathalyzer tests, which were held after the children reported smelling alcohol on respondent's breath during a visit, respondent passed three tests, but on one occasion failed to appear for the breathalyzer test, resulting in cancellation of the visit; (3) respondent never verified to Sanchez that she had a prescription for Darvon or any other medication; (4) respondent never attended a psychological evaluation; (5) respondent lived in four residences since the children's placement, never maintaining a stable home; (6) respondent never verified any employment or receipt of social security benefits; (7) respondent never developed a monthly family budget; (8) respondent did not avoid incarceration, having been arrested on July 18, 2000 for nonpayment of fines related to a previous OUIL conviction; (9) respondent never demonstrated her understanding of the "Vanderbeck safety criteria"; and (10) respondent did not verify her attendance of any parenting classes. Respondent also failed to visit the children consistently.

[2] See *In re Trejo Minors*, 462 Mich 341, 360-361, n 16; 612 NW2d 407 (2000) (noting that the respondent's failure to comply with the requirements of a parent-agency agreement "was indicative of neglect").

[3] To the extent that the family court relied on MCL 712A.19b(3)(c)(ii); MSA 27.3178(598.19b)(3)(c)(ii), we need not consider this subsection given our conclusion that termination was appropriate under subsection (3)(c)(i). MCL 712A.19b(3); MSA 27.3178(598.19b)(3).

Furthermore, the family court did not clearly err in rejecting the notion that "termination of parental rights to the child[ren] is clearly not in the child[ren]'s best interests." MCL 712A.19b(5); MSA 27.3178(598.19b)(5). Respondent testified that she loved the children and showed them affection. However, in light of evidence that the children repeatedly expressed their desires not to return to respondent's care unless she became sober, respondent's lack of progress noted above, and abundant evidence that all three children were thriving emotionally, mentally, and physically after their removals from respondent's care, we are not left with a definite or firm conviction that the family court erred in concluding that termination of respondent's parental rights served the children's best interests. *In re Conley*, *supra*.

Affirmed.

/s/ Jeffrey G. Collins
/s/ Joel P. Hoekstra
/s/ Hilda R. Gage